

**MEMORANDUM
TO THE HONORABLE RAYMOND J. DEARIE
Chief United States District Judge**

**RECEIVED IN CHAMBERS OF
U.S.D.J. DEARIE
ON: 4/30/08**

**RE: DAWS, Jonathan
DKT: 02-CR-589**

REQUEST FOR EARLY TERMINATION OF PROBATION

Reference is made to the above-named offender who was sentenced by Your Honor on August 16, 2006, to three (3) years probation, a \$100 special assessment, and a \$50,000 fine. As a special condition, the offender was ordered to perform 500 hours community service. This sentence followed the offender's conviction of one count of Conspiracy to Commit Securities Fraud in violation of 18 U.S.C. § 371, a class D felony. The offender commenced probation supervision in the Northern District of Texas ("NDTX") based on his residence in Dallas, Texas. He is scheduled to expire from supervision on August 15, 2009.

The purpose of this memorandum is to respond to defense counsel's petition for termination of probation (attached) based on the offender's excellent supervision record, employment issues regarding international travel, and extraordinary circumstances regarding the offender's wife's health (these circumstances are outlined in a separate submission filed by defense counsel under seal).

SUPERVISION HISTORY

The undersigned officer was informed by NDTX U.S. Probation Officer Sherry Britt that the offender has made a positive adjustment while on supervision and has complied with all conditions of probation. Regarding special conditions, the \$100 special assessment, and \$50,000 fine were paid in full on September 27, 2006. The offender completed 500 hours community service by performing construction and maintenance work at the "Soup Mobile" soup kitchen, and by editing audio recordings for the blind at "Reading and Radio Resource". In addition, representatives from both organizations praised the offender's work and provided documentation that he performed 100 hours in excess of what was required by the Court.

The offender is employed as a Manager of Operations for "Frigate Ventures LP" in Dallas, Texas. In summary, the offender's primary duties include managing operations, accounting and financial consulting, and software development for investment fund firms. Officer Britt recently interviewed the offender's employer, Bruce Winson, who confirmed the necessity for the offender to travel internationally as much as four times per year to offices in Canada and England (current restrictions for both countries prohibit travel by convicted felons under supervision).

As the Court is aware, early termination is controlled by statute, case law, and policy matters. With regard to statute, felony probation and supervised release cases are subject to 18 U.S.C. 3564 (c) and 18 U.S.C. 3583 (e)(1) respectively; and the general provisions of 18 U.S.C. 3553 (a). Case law in this Circuit regarding early termination of supervision falls under U.S. v Lussier, 104 F.3d 32, 36 (2d Cir. 1997), U.S. v Scheckley, 129 F.3d.114 (2d Cir. 1997), and U.S. v Medina, 17 F. Supp. 2d 245, 247 (SDNY 1998), in which the Circuit stated that a defendant simply having a good record of compliance with supervision is not enough. Instead, a defendant's behavior must be "exceptionally good" to warrant the benefit of early termination. The Probation Department believes that the circumstances set forth in defense counsel's motion qualify as "extraordinary" in accordance with the aforementioned case law.

DAWS, Jonathan

DKT: 02-CR-589

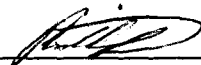
Finally, the policy factor which influences early termination results from recent directives from the Judicial Conference Criminal Law Committee and Administrative Office of the U.S. Courts. In this regard, the Criminal Law Committee has directed early termination of supervision as recommended and favored policy for appropriate probation and supervised release offenders. It should be noted, however, that some but certainly not all of the underpinnings to this policy are budget driven and part of the overall federal judiciary's "cost containment" program. The undersigned officer also spoke to Assistant U.S. Attorney John Nathanson who was aware of defense counsel's motion, and did not object to early termination of probation.

Predicated on the entirety of this case, as well as each of the factors which control early termination of supervision, the Probation Department respectfully recommends that the Court grant the offender's request for early termination from supervision.

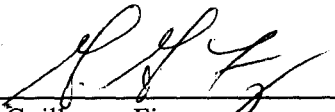
RESPECTFULLY SUBMITTED:

TONY GAROPPOLO
CHIEF U.S. PROBATION OFFICER

PREPARED BY:


Richard Azarian
Senior U.S. Probation Officer
347-534-3424

APPROVED BY:


Guillermo Figueroa
Supervising U.S. Probation Officer

The Court directs the following:

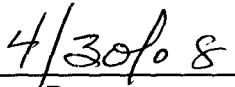
☒ Termination of Probation Granted.

☐ Termination of Probation Denied.

☐ Other Directive.

s/Raymond J. Dearie

U.S. District Judge 


Date

RCA
April 24, 2008